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LETTER DATED 6 MARCH 1992 FROM THE REPRESENTATIVES OF FRANCE, KUWAIT, SAUDI ARABIA, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE UNITED STATES OF AMERICA ADDRESSED TO THE SECRETARY-GENERAL

On instructions from our Governments, we should like to inform you of the following:

- Iraq's latest letter of 28 February 1992 (S/23661) on the issue of detained Kuwaiti and third country nationals is once again an attempt by Iraq to delay fulfilling its commitments under the Geneva Conventions and the relevant Security Council resolutions.

- The Iraqi letter is no more than a belated and restrictive declaration of intent. It refers to Iraq's preparedness to take the necessary measures to publish the names of the missing, and preparedness to reach agreement on the details with the head of the ICRC in Baghdad. At the 16-17 October 1991 Tripartite Commission meeting in Geneva it was proposed that the Government of Iraq publish the names of the missing in the Iraqi media, with repeated publication as necessary, and with a request that the public provide any information on these persons to the ICRC. To date, Iraq has not published any names in any part of the media.

- The letter also refers to Iraq's preparedness to arrange for visits for ICRC representatives to prisons and places of detention, and its preparedness to reach agreement on the details with the head of ICRC in Baghdad. We emphasize again Iraq's express obligation under paragraph 30 of Security Council resolution 687 to facilitate the search by the ICRC for the missing. In keeping with this Security Council decision, we reiterate our demand that Iraq must allow the ICRC access to all places of detention in order to search for persons registered as missing. Iraq has still not accepted this requirement.

- Nearly one year has passed since all parties, including Iraq, agreed at a meeting on 7 March 1991 in Riyadh, to grant the ICRC, inter alia, all the facilities necessary to enable the ICRC to gather information to establish the whereabouts of missing persons. However, Iraq has not yet lived up to its commitments.

- To date, the Iraqi authorities have not effectively responded to individual inquiry files submitted by Kuwait and Saudi Arabia in October 1991. On 18 February 1992, four months after receiving these files, the Iraqi authorities have merely returned them to the ICRC with no information as to the specific measures taken to trace the cases. The Iraqi delegation at the 16-17 October 1991 Tripartite Commission Meeting in Geneva expressed its readiness to report to the ICRC within 10 days of receiving any tracing request.

- To date, the Iraqi authorities have not responded to ICRC inquiries outlined in paragraph 14 of annex D to the Secretary-General's factual report of 25 January 1992 (S/23514), including a request for information on persons who have died while in custody.

In conclusion, after submitting the letter of intent on 20 February 1992, Iraq, unilaterally assumes that it has met its obligations under paragraphs 30 and 31 of Security Council resolution 687 (1991) with regard to detainees. Such an attitude only underlines Iraqi disdain towards this humanitarian issue. Iraq's compliance with its obligations under paragraphs 2 (c) and 3 (c) of Security Council resolution 686 (1991) and paragraph 30 of Security Council resolution 687 (1991) should be judged by Iraqi actions, rather than by declarations of intent.

We should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Jean Bernard MERIMEE
Permanent Representative of France
to the United Nations

(Signed) Mohammad A. ABULHASAN
Permanent Representative of the State
of Kuwait to the United Nations

(Signed) Mustafa M. H. KAWTHAR
Chargé d'affaires of the Permanent
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(Signed) David HANNAY
Permanent Representative of the
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